

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA	§	CRIMINAL NO. 4:15-cr-00015
	§	
v.	§	
	§	
RICHARD ARTHUR EVANS	§	

UNITED STATES MEMORANDUM REGARDING FORFEITURE

At the February 6, 2017 forfeiture hearing, counsel for the United States indicated that she would submit case law in response to Defendant's argument that forfeiture should be limited to payments for people receiving oxycodone prescriptions. Upon further review, the United States has decided such case law is not necessary. Rather, the United States has decided to limit the proceeds calculation to Schedule II patients who received oxycodone prescriptions in exchange for such payments. Because the Defendant did not raise this argument until filing a brief the afternoon before the hearing, the United States has not yet been able to revise its proceeds analysis to remove payments for non-oxycodone prescriptions.

IRS Special Agent Terry McGee has started revising his proceeds analysis. At this time, he has reviewed the prescriptions for the first 220 out of 936 individuals listed on Forfeiture Exhibit # 2 and determined that only approximately

thirteen out of those 220 people (about six percent) either did not receive oxycodone or did not receive oxycodone every time. Therefore, the United States requests additional time to permit Agent McGee to complete the revision.

Respectfully submitted,

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CERTIFICATE OF SERVICE

A true and correct copy of the foregoing was served on counsel of record via the Court's electronic filing system on February 7, 2017.

s/ Lori S. Roth
Lori S. Roth
Assistant United States Attorney